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UNCLAS SINGAPORE 000506

SIPDIS

STATE FOR EB/IPC, EAP/PMBS  
USTR FOR EBRYAN  
USDOC FOR DBISBEE  
USDOC PASS USPTO  
STATE PASS LIBRARY OF CONGRESS - COPYRIGHT OFFICE

E.O. 12356: N/A

TAGS: [KIPR](#) [ETRD](#) [ECON](#) [SN](#) [WTRO](#) [USTR](#)

SUBJECT: SPECIAL 301 - SINGAPORE: RECOMMEND NO CHANGE IN STATUS

REF: A) STATE 23950 B) Singapore 370 C) 04 Singapore 3531

D) 04 Singapore 578

1. Post recommends maintaining Singapore's current Special 301 status in 2005, i.e., not on the watch list or priority watch list. Singapore has implemented, or is in the process of implementing, a number of significant commitments under the U.S.-Singapore Free Trade Agreement (FTA) that not only address previous IPR concerns, but arguably will give it one of the strongest intellectual property regimes in Asia.

2. Although no industry group nominated Singapore for inclusion in the 2005 Special 301 review process, the International Intellectual Property Alliance (IIPA) has identified Singapore as one of two countries where FTA dispute settlement proceedings should be commenced if prompt resolution of outstanding issues is not achieved. Post believes the likelihood of this scenario has been lessened by Singapore's recent commitment to address our concerns with its amended Copyright Law that came into force January 1, 2005. Singapore plans to revise relevant sections of its IP legislation, and to present these to Parliament for approval by May 2005 (ref B). We will continue to press the government to meet this deadline.

#### FTA Implementation -----

3. In line with its U.S.-Singapore FTA commitments, amendments to the Trademarks Act, the Patents Act, a new Plant Varieties Protection Act, and a new Manufacture of Optical Discs Act came into effect in July 2004. As noted above, the amended Copyright Act and related implementing regulations are undergoing further revisions in order to bring them fully into compliance with the FTA.

4. Among its commitments, Singapore has criminalized the end-use by companies of pirated software; introduced stronger protections for digital works; made mandatory the use of SID codes on optical discs manufactured in Singapore; implemented anti-circumvention obligations to prevent tampering with technologies designed to prevent piracy; protected against parallel imports of pharmaceutical products without the patent-holder's consent by allowing lawsuits when contracts are breached; and expanded patent and trade secret provisions. Singapore has also committed to sign and ratify the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which together set basic standards for protecting digital content. In an effort to enhance public awareness, Singapore's Intellectual Property Office has embarked on a comprehensive education campaign to disseminate information concerning the various changes in the law and to explain what these mean for businesses and consumers.

5. As reflected in the FTA-related strengthening of its IPR laws, Singapore's government contends that it is determined to make the country's IPR regime the strongest in Asia, in part to attract even more IP-intensive investments. This strategy is beginning to yield results. For example, the strength of Singapore's IPR laws and enforcement capabilities has been a factor in the decisions of several U.S. pharmaceutical and entertainment companies to either increase existing investment or to start up new operations here.

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